

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

CHAMBERS OF  
**MICHAEL A. SHIPP**  
UNITED STATES MAGISTRATE JUDGE

MARTIN LUTHER KING COURTHOUSE  
50 WALNUT ST. ROOM 2042  
NEWARK, NJ 07102  
973-645-3827

**LETTER ORDER**

April 29, 2010

**VIA CM/ECF**

All counsel of record

**Re:** *Hoffmann-La Roche Inc. v. Apotex, Inc., et al.*, 07-4417 (SRC)  
(consolidated for all purposes with 08-3065 (SRC) and 08-4053 (SRC))  
*Hoffmann-La Roche, Inc. v. Dr. Reddy's Laboratories, et al.*, 07-4516 (SRC)  
(consolidated for all purposes with 08-3607 (SRC) and 08-4055 (SRC))  
*Hoffmann-La Roche Inc. v. Cobalt Pharmaceuticals Inc., et al.*, 07-4539 (SRC)  
(consolidated for all purposes with 07-4540 (SRC) and 08-4054 (SRC))  
*Hoffmann-La Roche Inc. v. Orchid Chemicals, et al.*, 07-4582 (SRC)  
(consolidated for all purposes with 08-4051 (SRC))  
*Hoffmann-La Roche Inc. v. Genpharm, Inc., et al.*, 07-4661 (SRC)  
(consolidated for all purposes with 08-4052 (SRC))

Dear Counsel:

The above matters came before the Court for a telephone status conference on the record on April 29, 2010. The Court has considered the positions of counsel, and for good cause shown, orders as follows:

1. Cobalt's motion to amend

By **May 5, 2010**, Roche must file a letter brief on the issue of undue delay and undue prejudice which concentrates on the issue of the discovery that would be required and the time frame for the discovery should the Court grant Cobalt's motion to amend. Counsel should include citations to relevant legal authority.

By **May 10, 2010**, Cobalt must file a responsive brief on the issue of undue delay and undue prejudice. Counsel should include citations to relevant legal authority.<sup>1</sup>

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<sup>1</sup>The Court originally anticipated simultaneous submissions but granted Cobalt's request for a staggered submission schedule. The Court will permit Roche to file a response to Cobalt's May 10, 2010 submission by **May 12, 2010** but will not entertain any further submissions on the issue.

2. Cobalt's supplemental expert reports - Depositions

During the conference, Cobalt indicated its belief that the issue was resolved. Roche disagreed. Counsel must meet and confer regarding the issue and inform the Court in their May 7, 2010 joint case status letter as to whether the issue has been resolved.

3. Cobalt and Apotex outstanding privilege issues

The Court understands that counsel have continued to meet and confer in an effort to resolve the privilege issues. The Court would like counsel to bring this set of privilege issues to a conclusion or present the issues to the Court for a determination. Counsel must update the Court as to whether the issues have been resolved in their May 7, 2010 joint case status letter. If the issues have not been resolved, counsel must propose an expedited briefing schedule regarding the issue.<sup>2</sup>

4. Apotex ANDA issue - Dr. Sherman's deposition

As counsel are aware, the Court granted Roche's request for ANDA-related discovery. The order provided that Apotex must serve the discovery by May 6, 2010. Counsel must meet and confer regarding Dr. Sherman's deposition and provide the Court with the deposition date in their May 7, 2010 joint letter.

5. Summary judgment briefing schedule

**'957 patent** - Counsel must meet and confer and submit a proposed schedule in their joint letter of May 7, 2010. If counsel do not agree on alternate dates, counsel must adhere to the following schedule: Responsive briefs to be filed by May 21, 2010; and Reply briefs to be filed by June 18, 2010.

**'814 patent** - Counsel must meet and confer and submit a proposed schedule in their joint letter of May 7, 2010. If counsel do not agree on alternate dates, counsel must adhere to the following schedule: Moving briefs to be filed by June 14, 2010 (per the Court's previous order); Responsive briefs to be filed by July 9, 2010; and Reply briefs to be filed by July 23, 2010.

s/ Michael A. Shipp

**HONORABLE MICHAEL A. SHIPP  
UNITED STATES MAGISTRATE JUDGE**

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<sup>2</sup>Counsel previously briefed the general issue. In addition, the Court previously requested copies of certain "clawed-back" documents from Cobalt. Since counsel have met and conferred for several months regarding the issue, the Court will require updated submissions with copies of supporting documents if counsel cannot resolve the issue.